IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

WA.No. 2170 of 2007

AGAINST THE JUDGEMENT IN WPC.24572/2007 Dated 16/08/2007

.....

APPELLANT:

DIAMOND ROLLER FLOUR MILLS (P) LTD.
MAVILANGU JN, PALLOM POST, KOTTAYAM-686 007,
REP. BY GENERAL MANAGER, SRI.C.B.V.SIDDIQUE,
AGED 49, S/O.MAMMU.

BY ADV. SRI.P.JACOB VARGHESE

RESPONDENTS:

---

1. THE DISTRICT COLLECTOR,
KOTTAYAM.

2. DISTRICT SUPPLY OFFICER,
KOTTAYAM DISTRICT.

3. S.I. OF POLICE,
CHINGAVANAM POLICE STATION,
KOTTAYAM.

4. TALUK SUPPLY OFFICER,
KOTTAYAM TALUK, KOTTAYAM DISTRICT.

5. TALUK SUPPLY OFFICER,
CHANGANASSERY TALUK, KOTTAYAM DISTRICT.

6. SEEMA ANIL, AWD NO.3, CHINGAVANAM,
KOTTAYAM TALUK.

7. JACOB THOMAS KALLUKULAM,
AWD NO.12, CHANGANASSERY TALUK.

8. E.K.NARAYANA PILLAI,
AWD NO.13, CHANGANASSERY TALUK.

9. T.MUHAMMED ASHRAF & CO
AWD NO.14, CHANGANASSERY TALUK.

10. M/S.C C CORPORATION
AWD NO.15, CHANGANASSERY TALUK.

11. C.HARIKUMAR & CO,
AWD NO.16, CHANGANASSERY TALUK.

12. JOSEPH JOHN KOYIPALLY,
AWD NO.17, KOOTHRAPALLY,
CHANGANASSERY TALUK.

13. HAJI K. HASSAINAR,
AWD NO.18, CHANGANASSERY TALUK.

14. STATE OF KERALA, REPRESENTED BY THE SECRETARY,
FOOD & AGRICULTURE, SECRETARIATE,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT MEERA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.2170 of 2007

Dated this the 4th day of September, 2007.

J U D G M E N T

H.L.Dattu, C.J.

This appeal arises out of the order passed in W.P.(C) No.24572 of 2007 dated 16th August, 2007. By the impugned order, the learned Single Judge has declined to entertain the writ petition, but has granted liberty to the petitioner to resort to other remedies available under the provisions of the Essential Commodities Act read with Rationing Order.

(2). Learned counsel, Mr.P.Jacob Varghese, appearing for the appellant would submit that the District Collector has no jurisdiction to effect search and seizure of certain commodities lying in the godown which belongs to the petitioner. In our opinion, even this issue can be agitated and argued before the State Government or before the Civil Supplies Commissioner.

(3). Keeping in view all these matters the learned Single Judge has rightly declined to entertain the writ petition and further has granted liberty to the petitioner to resort to other remedies provided under the Statute itself.

(4). In that view of the matter, we decline to entertain this writ appeal. Accordingly, the writ appeal is rejected without reference to the respondents.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

MS